1767

A FULL ACCOUNT OF THE TRYAL OF GODFREY CROSS FOR High-Treason,

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In Adhering to the King and Queen's Enemies, by giving Intelligence to the French Fleet, *&c.*

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CAMBRIDGE UNIVERSITY LIBRARY

A Full Account of the Tryal *of* Godfrey Croſs *for* High-Treaſon, *in adhering to the King and Queens's Enemies, by giving Intelligence to the* French Fleet; *as alſo, in endeavouring to Depoſe them of their Royal Crown and Dignity, by raiſing Rebellion and Diſcord amongſt their Majeſties Leige Subjects, &c. at the King's Bench Bar at* VVeſtminſter, *on* Friday *the* 21ſt *Day of* November, *anno* Dom. 1690.

THe Court being ſet, about ten a Clock the Marſhal of the *King's Bench* Priſon was commanded to bring his Priſoner to the Bar; which was done: And the Priſoner being commanded to hold up his Hand, the Jurors were called over; out of which number were ſworn theſe Gentlemen, whoſe Names are underwritten, *viz.*

John Buggins, *Thomas Jeffery,*
Francis Farnabey, *Edmund Davenport,*
Edward King, *John Kennard,*
John Culpepper, *VVilliam Selby,*
James Petley *Edward Markey,* Eſquires,
Bonnam Hays, *William Dry,* Gent.

After which an Indictment of High-Treaſon was read againſt him: Which ſet forth, *That being a Perſon of very evil Fame, did Traiterouſly, Falſly, Maliciouſly and Deviliſhly adhere to, Aid, Abet, and Comfort the King and Queens Enemies that now is: And did*

(*of his Malice, before thought*) *endeavour our Soveraign Lord and Lady, the King and Queen to final Death and Destruction to bring, and to raise War and Rebellion among the Subjects of our Soveraign Lord and Lady the King and Queen that now is, within this Kingdom of* England, *and elsewhere*, &c.

And to accomplish and bring those his Treasonable, False, Malicious and Devilish Practices and Purposes to pass, did, on the 6th Day of July, *in the second year of their Majesties Reign, in the County of* Kent, *convey himself on Board of several Ships belonging to the* French Fleet, *which were then riding not far off from the Town of* Lidd *in* Kent: *And there had held Correspondence with them, particularly with Sir* William Jennings, *then Commander in chief of the* French *Admiral; from whom he brought Letters of Invitation to some Persons here in* England, *To come on Board him: And carried Intelligence to them of the State of Affairs here, against the Duty of his Allegiance, and against the Form of the Statute in that Case, made and provided*, &c. To all which Charge he had before pleaded Not Guilty.

Then the King's Council proceeded to open the Matter of Fact, and the horrid Nature of it, to the Gentlemen of the Jury; giving them to understand, That he was Indicted for a Crime of a very high nature, (First) For adhering to the French King, who was an open and professed Enemy to this Nation; which did find him to be guilty of a manifest Intention to destroy it, and to bring the King and his Subjects under the Power and Dominion of the French King: Notwithstanding the great Charges and Trouble the present King of *England* hath been at to reduce it, and to detect all their Villanies, in that Vigorous and Unwearied Attempt that he is still making against the Common Enemy. And that the French did not altogether trust to their own Power and Strength, but they expected Correspondent Helps from the Kings Enemies: Amongst which perfidious sort of Men this Prisoner at the Bar appeared.

And

And furthermore the Priſoner at the Bar, on the 8th of *July* laſt, at the Town of *Lidd* aforeſaid, about ſeven a Clock in the Morning, did appear on Horſe-back near the Water-ſide, within view of the French Fleet; and a Sloop coming near the Shoar, he waved his Hat as a Token or Sign to them to come nearer; then they ſent out their Long-boat, he riding his Mare up to the Belly in the Water to the Boat-ſide, and went into the Boat, quiting his Mare, *&c.* at which the Priſoner ſeemed to laugh: But the *King's* Council told him, That it was no laughing Matter, or to that effect. The Council further declared the *Aggravation* of this Crime; How that he being one of the King's Natural and True born Subjects of this Kingdom, in ſtead of taking up *Arms* for the King and Queen, as by the Duty of his *Allegiance* he ought to have done, he goes on *Board* the French Fleet, and carries Intelligence to them of the ſtate of Affairs here in *England*; and brings back Letters and Notes of Invitations and Intelligence to others, to joyn with him in his Traiterous, Deviliſh Deſigns, and Wicked Encompaſſings and Imaginations; which did particularly tend to the Depoſing of the King and Queen; and that the People of *England* ſhould be no longer a People. So that ſurely the thing it ſelf, *viz.* His going on Board the French Fleet, was Evidence enough, beyond all Papers, or any thing elſe that could be brought againſt him; but to clear all Doubts, there were ſeveral Good Evidences produced to prove the Matter of Fact more fully upon him, the firſt of which was one *Stephen Stacy*, who declared upon Oath.

That he ſaw him ride into the Water up to the Mare's Belly, and go in to the *Boat*, to ſome French Men, who were coming towards the Shoar, having before waved his Hat, and halloed towards them; and that he turned his Mare looſe and a Gray-hound that followed him; which were afterwards found upon the Shoar. This Witneſs ſwore poſitively that he ſaw him do all this, and that he was the ſame Man that went into the Boat, and that it made up to the neareſt Ship.

There

There was a ſecond Evidence called, who Declared, after being ſworn, That he was upon the Watch, on the *6th* of *July* laſt, over againſt the Body of the French Fleet, where they ſaw a ſmall Man of War put out a Long-Boat, making towards the Shoar; whilſt they were gone to give intelligence of it, the Boat had taken in the Priſoner, and his Gray-hound lay upon the Sea Shoar, and the Mare was looſe, which he and three more Men took up and carried to *Lidd*: And that he knew the Mare to be *Croſs*'s Mare, and the *Dog* to be his alſo; And that the Mare had lately been in the Water, for that ſhe was wet; and was ready bridled and ſadled: And when they came to *Croſs*'s Houſe, he was not at home, his Servant telling them, That his Maſter rode out upon the Mare that Morning, *&c.*

Another Witneſs, being ſworn, depoſed to the ſame effect, confirming the Truth of what the former had Declared, as to the Boat coming a ſhoar, and the Mare and Dog being found looſe, after the Priſoner was gone on Board the French *Ships*: And that he ſaw the Boat come exactly from the Fleet: As alſo that the Mare and Dog were *Croſs*'s own Goods: And that he rid out upon the Mare that Morning: And that the Boat came within a Muſquet Shot of the *Shoar*, and went directly to the French Fleet.

There were others that ſwore to the ſame effect as the former, ſo ſhall give no further account of them, but proceed to another, which indeed was one of the moſt material to bring the Matter home upon the Priſoner: Who being ſworn for the King, depoſed.

That he was informed by ſome who were on the Top of the Steeple, That they ſaw the Boat coming from the Fleet aſhoar, and a Man landed about twelve a Clock at Noon, on the ſaid *6th* of *July*; and afterwards arming himſelf, he raiſed the Town, and coming to the Sea-ſide he found it to be *Godfry Croſs*, the Priſoner at the Bar; whom he took at ſome Rods Diſtance from the Shoar, and ſaid to him; *Neighbour* Croſs *is not this a ſhameful thing of you, to go a Board of an Enemy? Did you go to give Intelligince how our*

Town

Town ſtood affected? Or did you go to carry Letters? Upon which the Priſoner gave him very abuſive Language, and ſaid, *You one eyed Dog, what have you to do?* &c. After which he was ſeized and carried to *Lidd*, and examined by the Bayliff, not denying the Matter charged againſt him: Nor that he had not been on Board the Fleet; but complained that he had loſt his Mare, Which was confirmed alſo by another Witneſs that help'd to apprehend him; and that he had given a Crown to the Boat-men that ſet him a Shoar; and that he had been a Board three or four Veſſels of the French Fleet.

There were two other Evidences, who gave account of his Examination, and that he did owne to have been on Board the French Fleet: And that he had brought two Letters from on Board the French Admiral, written by Sir *William Jennings*, which were found about him: The firſt was directed to one Mr. *Bryant Bowles* of *Deal*, the other to one Mr. *Thomas Tedman* at *Dover*; dated on Board the French Admiral, and ſigned by Sir *William Jennings*: The Contents of them were both to the ſame purport, *viz. To invite any of their Majeſties Subjects to come on Board the Fleet; and if they did, they ſhould have liberty to go back, for they came not to hurt any Perſon, but to protect all Loyal Subjects, and to puniſh Rebellious ones: For that the Fleet was as much the King of* England's *as ever it was the French King's*, &c.

The Priſoner being ask'd, What he had to ſay in his Defence againſt ſo home a Charge, anſwered, That he had but little to ſay, but that he had always been a true Proteſtant, and a Church of *England*-Man, (as he himſelf termed it) and never did nor intended any harm to any one: And that he had done no dammage, ſo was willing to ſubmit to the Judgment of the Court, Although when he was apprehended he pretended that he rode into the Water to look after ſome *Boards* that were floating there; and the Men in the Boat asked him to drink a Drachin, which he did: And after two of the Men forced him off his Horſe into the *Boat*; but was looked upon as a feigned Excuſe.

But

But in the Conclusion a further Proof was brought against him, which was omitted through Inadvertency, *viz.* That when he was on Board the French Admiral, Sir *William Jennings* asked him, In what Posture the Nation was? to which he, the Prisoner replyed, That for the Town, they had affrighted the People all out of it; and the rest were making provision for themselves, Or Words to the like effect, *&c.*

The King's Council, after this, made several Reflections upon the hainousness of the Crime, and that his going on Board to the King's Enemies Fleet, and giving them Intelligence, was a manifest token of his adhering to them, so consequently must be found High Treason, although the Court seemed to be of the contrary Opinion at the first, and that it was but a *Misdemeanour*: But after the Council had pleaded it further, The Lord Chief Justice summ'd up the Evidence, in a particular and distinct Manner, to the Gentlemen of the Jury, telling them, That if they did believe that he went voluntarily on *Board*, and did bring those Letters from Sir *William Jennings*; and that they were to perswade Men to forsake their Allegiance; and to endeavour to restore the late King; and to assist all those that were for the late King: Then they must find him Guilty. But if he did this ignorantly and not to seduce the King's Subjects from their Allegiance, then they must find him Not Guilty, *&c.*

After which the Jury withdrew for the space of about a quarter of an Hour, and returning they brought him Guilty of High Treason.

FINIS.